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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,106

03/10/2004

Joseph M. Asher

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09/06/2006

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/798,106

Applicant(s)

ASHER ET AL.

Examiner

Kim T. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/5/06 &amp; 8/25/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract exceeds 150 words in length. The abstract should be in narrative form and generally limited within the range of 50 to 150 words, since the space provided for the abstract on the computer tape used by the printer is limited.

### ***Claim Objections***

2. Claim 23 is objected to as being in improper form because claim 23 depends on itself.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garahi et al (US 2001/0047291).**

Claim 1: Garahi discloses a wagering system associated with a wagering facility and communicably coupled to a network. The system comprises a memory (Fig. 2); a processor coupled to the memory to receive a first bet on an event via the network (paragraphs 0100-0101). Garahi does not explicitly disclose storing betting odds.

However, since Garahi discloses allowing the player to access odds information (paragraph 0108), Garahi inherently discloses storing betting odds in order to allow the player to retrieve and review previous betting odds. Garahi, further, does not explicitly disclose recalculating the betting odds based on both of the first bet and the second bet if the second bet is received within a predetermined period of time, or recalculating the betting odds based on the first bet if the second bet is not received within a predetermined period of time. However, Garahi discloses calculating and updating the betting odds in real-time (paragraphs 0041, 0098 and 0105), Garahi obviously encompasses recalculating the betting odds based on the bets received within a predetermined period of time in order to provide the player the current betting odds.

Claim 2: determining a specific time window between the bets is no more than 15 seconds would have been well-known and obvious design choice in order to control betting volume from the players.

Claim 3: Garahi discloses communicating the recalculated betting odds to another facility (paragraph 0098).

Claims 4-9: Garahi does not explicitly disclose generating a stop bet command, generating a stop bet command and communicating the stop bet command to the wagering facility, accepting the second bet if the second bet is transmitted prior to the stop bet command is generated, and deny the second bet if the second bet is not transmitted prior to the stop bet command is generated. However, Garahi discloses informing the player that the betting is closed for the race (paragraph 0092), and

accepting bets as long as the event is open and denying bets when the event is closed (paragraphs 0105 and 0106), Garahi obviously encompasses teaching the claimed limitations.

Claims 10-13: Garahi discloses providing results of the event (paragraph 0044). Further, communicating the results to a specific device or facility, decrypting a bet which is encrypted, and receiving different bets from different facilities would have been well known to a person of ordinary skill in the art at the time the invention was made.

Claim 14: Garahi discloses a pari-mutuel wagering event (paragraph 0009).

Claim 15: Garahi discloses a horse race (paragraph 0028).

Claim 16: Garahi discloses recalculating the betting odds in real-time (paragraph 0098).

Claims 17-38: refer to discussion in claims 1-16 above. Further, regarding to claim 33, Garahi discloses receiving at a first wagering facility a plurality of bets on a wagering event and transmitting each of the bets individually to the second wagering facility (paragraph 0054), and coupling the wagering facilities through a network (paragraph 0071).

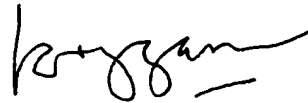
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

kn

Date: September 1, 2006

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

Kim Nguyen  
Primary Examiner  
Art Unit 3713